

### REMARKS

Claims 1, 6, and 11 have been amended and new claims 16-18 have been added to the case. Accordingly, claims 1-18 are currently pending in the application.

Claims 1-15 were rejected by the examiner under the judicially created doctrine of obvious type double patenting. As none of these applications have yet been passed to issue, this rejection is premature under the MPEP. Applicants will submit a terminal disclaimer for any such obvious type claimed subject matter as appropriate after one of the listed patents has issued. Applicants appreciate the examiner raising this issue, and it will be dealt with as required by the PTO practice.

Claims 1-15 have been rejected under 35 USC 103 over Hafner et al. in view of Yamamoto. This rejection is respectfully traversed to the extent that it is applied to the claims as amended or the new claims.

Claim 1 has been amended to further include the steps of calculating a predicted amount of raw materials for a given level of sales of goods sold by the store; and comparing an amount of raw materials sold to a store and the predicted amount of raw materials for the given level of sales of goods, to thereby provide an indication of a level of discrepancy. The basis for the calculating a predicted amount limitation may be found at pages 36, 38, 85 and 89 of applicants' specification. Likewise, the basis for the calculating a percent difference limitation may be found at pages 36 and 38.

It can be seen that Hafner et al. by itself, or in combination with Yamamoto et al. does not disclose both of these steps in combination with the other steps of the claim.

The issue that this claim is dealing with is waste, theft, and/or improper production methods for the final good. Such problems are indicated by a significant discrepancy between the predicted amount of raw material usage for a given amount of product sales as compared to the actual usage as reflected by the purchase data for such raw materials. By way of example, for a restaurant hamburger product, one ounce of ketchup may be called for by the recipe for hamburger production. However, if the purchases of ketchup for the store are

significantly higher than expected, then either there is a theft problem, a waste problem, or a failure to follow the required recipe. In either case, the restaurant manager must take action.

Comparable amendments have been made for system claim 6 and computer program claim 11. Thus, these claims and claims dependent thereon should be allowable for the same reasons stated for claim 1.

New claims 16-18 have been added to the case to further protect applicants' invention. Claim is similar to claim 1, except that the steps displaying an amount of raw materials sold to a store on a same page or screen as a recipe-predicted forecast for the raw material based on the amount of the goods sold by the store, to thereby permit a comparison and determination of variance due to errors or loss; and determining a percentage of cost of the good attributable to the raw material have been added. The basis for the display step may be found in Fig. 26 and page 47 of applicant's specification. Likewise, the basis for the determining a percentage step may be found at page 46 of applicants' specification. The issue that this claim is dealing with is same as for claims 1-15, namely, waste, theft, and/or improper production methods for the final good. Such problems are indicated by a significant discrepancy between the predicted amount of raw material usage for a given amount of product sales as compared to the actual usage as reflected by the purchase data for such raw materials. This comparison can be seen visually via the display step on the same page or screen, as shown in Fig. 26, and is also indicated by the calculated cost of the good attributable to the raw material.

These steps in combination with the other steps of the claim are not disclosed in either of the cited references.

Accordingly, in view of the foregoing amendments and remarks, reconsideration of the office action is respectfully requested and an early passage to issue of the case is solicited.

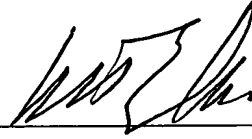
The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 19-0741.

Respectfully submitted,

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By



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